

**DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAMS
Spearfish School District
Focus Monitoring Report 2010-2011**

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Dates of On Site Visit: May 17, 18, 19, 2011

Date of Report: August 2, 2011

Closed:

Program monitoring and evaluation.

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:
 - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
 - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

State monitoring--Quantifiable indicators and priority areas.

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
 - (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
 - (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)
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State enforcement -- Determinations.

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

Deficiency correction procedures.

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

FAPE in the LRE

Indicator 3: Participation and Performance of children on with disabilities on statewide assessments.

- Percent of districts that have a disability subgroup that meets the State's minimum "n" size meeting the state's AYP objectives for progress for disability subgroup.
- Participation rate for children with IEP's in a regular assessment with no accommodations; alternate assessment against grade level standards; alternate assessment against grade level achievement standards.
- Proficiency rate for children with IEP's against grade level standards and alternate achievement standards.

Finding: January 18, 19, 2011

Through a review of 13 student files, data gathered by the team for state and district wide assessment 7 of those files indicated accommodations/modifications listed were not consistently provided to the student during assessment and administration in the state/district wide assessment.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: 1. The district will review current policy/procedure with the special education teachers and testing coordinator to determine why discrepancies are occurring. 2. Develop a process that will allow for the appropriate documentation and provision of accommodations for state/district assessments. 3. Provide training to ensure special education staff and testing coordinator are proficient in the implementation of the procedures/process. 4. Implement procedures and collect data to verify accommodations are appropriately documented and provided during state/district assessments.	November 2012	Special education director and special education staff and testing coordinator	

<p>Data Collection: The district will collect and submit to SEP the following data:</p> <ol style="list-style-type: none"> 1. Written description of the district's review process to identify why the discrepancies are occurring. 2. Written description of the process the district will implement to correct the discrepancies. 3. Submit an agenda for the required training which includes dates, time and a list of participants. 	May 2012		
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Progress Report:

1. GENERAL SUPERVISION

ARSD 24:05:22:03 Certified child

A certified child is a child in need of special education or special education and related services formulated and approved by a local placement committee. Documentation supporting a child's disabling condition as defined by Part B of the Individual with Disabilities Education Act must be maintained by the school district for verification of its annual federal child count. This definition applies to all eligible children ages 3-21 inclusive, and to only those children under the age of 3 who are in need of prolonged assistance.

24:05:25:03. Preplacement evaluation. Before any action is taken concerning the initial placement of a child with disabilities in a special education program, a full and individual evaluation of the child's educational needs must be conducted in accordance with the requirements of this chapter. The evaluation must be sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified. If an assessment is not conducted under standard conditions, a description of the extent to which it varied from standard conditions (e.g., the qualifications of the person administering the test, or the method of test administration) must be included in the evaluation report.

24:05:25:04. Evaluation procedures -- General. School districts shall ensure, at a minimum, that evaluation procedures include the following: (1) Assessments and other evaluation materials are provided and administered in the child's native language or by another mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer. In addition, assessments and other evaluation materials:

(a) Are used for the purposes for which the assessments or measures are valid and reliable; and

(b) Are administered by trained and knowledgeable personnel in conformance with the instructions provided by their producer;

(2) Assessments and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient;

(3) Assessments are selected and administered so as best to ensure that if an assessment is administered to a child with impaired sensory, manual, or speaking skills, the assessment accurately reflects the child's aptitude or achievement level or whatever other factors the assessment purports to measure, rather than the child's impaired sensory, manual, or speaking skills except where those skills are the factors which the assessment purports to measure;

(4) No single measure or assessment is used as the sole criterion for determining eligibility or an appropriate educational program for a child;

(5) A variety of assessment tools and strategies are used to gather relevant functional, developmental, and academic information about the child, including information provided by the parents, that may assist in determining:

(a) Whether the child is a child with a disability; and

(b) The content of the child's IEP, including information related to enabling the child:

(i) To be involved in and progress in the general education curriculum; or

(ii) For a preschool child, to participate in appropriate activities;

(6) Technically sound instruments, assessment tools, and strategies are used that:

(a) May assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors; and

(b) Provide relevant information that directly assists persons in determining the educational needs of the child;

(7) The child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities; and

(8) The evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.

Immediate Fixes:

State Performance Indicator 5:

Student 39 was placed on child count for Multiple Disability, in the areas of Cognitive and Orthopedic Impairment. To qualify for Orthopedic Impairment and Cognitive delay a student must have an achievement evaluation and current medical data must be pulled forward. Neither of these was completed for this student. The team needs to meet and determine what evaluations will be given and what will be pulled forward to determine eligibility.

Student 42 was placed on child count under Cognitive Delay. The student is also receiving Occupational Therapy, there was no evaluation given in this area to determine eligibility. Ability scores was not pulled forward and the name and results of the last ability measure was not listed. The team needs to meet and determine areas of eligibility for this student.

Student 44 was placed on child count with an override under Specific Learning Disability. The override did not state which data has the greatest relative importance. The skill based assessment was not skill specific to show a need in any area. When reviewing a file with the teacher she stated she saw no skill deficits for this student, and feels the student is working up to the potential. The student had a full scale IQ of 70. The achievement scores were all above the IQ score. All but one score was in the 80s, one in the 90s and one in the 100s. The team needs to meet and decide what evaluations need to be completed to determine eligibility or dismissal.

Student 47 was placed on child count under Developmental Delay. No written skills based assessment was found. Scores do not support the disability category of Developmental Delay. The team needs to meet and determine what evaluations are needed to determine eligibility or dismissal.

Student 48 was placed on child count under Developmental Delay. BDI scores do not support the disability. The team needs to meet and determine what evaluations need to be completed for determination or dismissal.

Student 50 had an outside evaluation completed and parents had requested a meeting to go over those results. No meeting could be found showing the team had considered these results. The team will show the meeting was conducted, or have a meeting to consider the results.

Student 63 was placed on child count under Autism. There was no autism evaluations completed, nor was any autism information pulled forward from previous evaluations. The team needs to meet and determine eligibility using the designated evaluation procedures.

Student 78 was placed on child count under Developmental Delay. There are no qualifying scores to support this placement. The student would qualify for Speech/Language. The team will meet and determine appropriate evaluations for determination of eligibility.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: All students identified as having a particular disability under IDEA will receive a comprehensive evaluation that supports and documents that (A) the student has that particular disability, and (B) due to that disability, suffers an adverse effect on educational performance, so that the student requires special education services to benefit from his or her education. Data Collection: All documentation of the "immediate fixes" will be sent to the team leader.	November 2011	School District	

Progress Report:

2. GENERAL SUPERVISION

(Statement of non-compliance from report of March 4,5, 2009)

Finding:

Through a review of student records the review team noted functional assessment information was not consistently reported for each skill area affected by the disability (eligibility areas) and information reported did not consistently provide specific skills (strengths and needs) that could be used to develop present levels of performance and measurable annual goals. As a result the IEPs did not consistently contain skill based information in the areas of disability, necessary to develop the students program. In some instances the entire evaluation report was pasted into the present levels of performance of the IEP. In other files, behavior concerns were evident through the informal review, review of existing data or formal evaluation with no evidence of impact in the students program. Functional assessment data was not reported for the area of behavior; therefore, was not available to include in the present levels of performance.

Follow-up: May 17, 18, 19 2011

State Performance Indicator: 11

24:05:25:04. Evaluation procedures -- General. School districts shall ensure, at a minimum, that evaluation procedures include the following: (1) Assessments and other evaluation materials are provided and administered in the child's native language or by another mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer. In addition, assessments and other evaluation materials:

(5) A variety of assessment tools and strategies are used to gather relevant functional, developmental, and academic information about the child, including information provided by the parents, that may assist in determining:

ARSD 24:05:30:04. Prior notice and parent consent. Written notice which meets the requirements of § 24:05:30:05 must be given to the parents five days before the district proposes or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child. The five-day notice requirement may be waived by the parents. If the notice described in this section relates to an action proposed by the district that also requires parental consent, the district may give notice at the same time it requests parent consent.

Informed parental consent must be obtained before conducting a first-time evaluation, reevaluation, and before initial placement of a child in a program providing special education or special education and related services. Parental consent is not required before:

- (1) Reviewing existing data as part of an evaluation or reevaluation; or
- (2) Administering a test or other evaluation that is administered to all children unless, before administration of that test or evaluation, consent is required of parents of all children.

24:05:30:05. Content of notice.

The notice must include a description of each evaluation procedure, test, record, or report that the district uses as a basis for the proposal or refusal.

- **Twenty three prior notices did not have correct content for consent for evaluation. Evaluations were completed without permission. Evaluations were not pulled forward that were to be used for determining eligibility. Wrong name on a prior notice for a student. Prior notices for evaluation could not be found in 4 files.**
- **Skill based assessments in all eligible areas were not completed in twenty eight filed reviewed during the evaluation process.**

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: The district will cross check the prior notice for evaluation and the evaluation report to determine if necessary evaluation data is reported. They will answer the following questions. 1. Did parents have input into the evaluation process? 2. Were all the evaluations listed on the prior notice administered, and were there any evaluations administered that were not on the prior notice? 3. Was the student evaluated in all areas of suspected disability; 4. Did the placement committee determine eligibility in the proper disability category?	August 2011 and ongoing	School District	

5. Was there a prior notice for all meetings? 6. Was skill based evaluations completed and a report written for all students evaluated? Data Collection: Each Special Education teacher will submit one copy of an initial or reevaluations completed during the reporting period to the SEP for correct content. Included will be referral if appropriate, prior notices, evaluation reports, and all other content.			
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Progress Report:

3. GENERAL SUPERVISION

State Performance Plan Indicator: 15

ARSD 24:05:27:01.03. Content of individualized education program. Each student's individualized education program shall include:

(1) A statement of the student's present levels of educational performance, including:

(a) How the student's disability affects the student's involvement and progress in the general curriculum (i.e., the same curriculum as for nondisabled students); or

(b) For preschool student, as appropriate, how the disability affects the student's participation in appropriate activities;

(2) A statement of measurable annual goals, including benchmarks or short-term objectives, related to:

(b) To be involved and progress in the general curriculum in accordance with this section and to participate in extracurricular and other nonacademic activities; and

(c) To be educated and participate with other students with disabilities and nondisabled students in the activities described in this section;

(4) An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in activities described in this section;

ARSD 24:05:25:26. Extended school year authorized. The district shall provide extended school year services to eligible children if the IEP team determines on an individual basis that such services are necessary for the provision of FAPE.

An IEP pursuant to chapter 24:05:27 shall be developed and implemented by the IEP team that addresses the need for extended school year services. The IEP team shall determine the length of the school day and duration of extended school year services based on the individual child's needs.

In implementing the requirements of this section, a district may not:

(1) Limit extended school year services to particular categories of disability;

(2) Unilaterally limit the type, amount, or duration of those services; or

(3) Apply a regression/recoupment criterion to children in need of prolonged assistance.

As used in this section, the term, extended school year services, means special education and related services that meet the standards of the state and are provided to a student with a disability beyond the normal school year of the district, in accordance with the student's IEP and at no cost to the parents of the student.

- Twenty nine files reviewed did not document the present levels of academic achievement and functional performance in all areas. The present levels of performance were not skill specific, and did not address how the student's disability affects involvement and progress in the general curriculum. For example; a student qualified under OHI for ADHD and there were no behavior strengths. Some statements for the Affect of the disability state what the student needs not how the disability affects involvement in the regular classroom. "He will need instruction in social skills to practice appropriate conversation and awareness of appropriate general situations." One file reviewed had the exact same language as the year before there were no differences in any area.
- Files were missing strengths and needs in all areas of disability.
- Parent input in the present levels was not documented in some files.
- Goals were not always measurable, lacked condition and were not skill oriented in 29 files reviewed. For Example: "__will respect the property and rights of others with 80% accuracy." "__will demonstrate an understanding of the benefits of practicing positive health-enhancing behaviors as evidenced by taking responsibility for personal decisions 80% of all opportunities for a nine week period." "__ will use numerical operation skills to solve equations involving addition and subtraction (0-18) and 2 digit addition and subtraction with/without regrouping. 80% on 4/5 trials."
- The description of services was not broken down and did not list all areas of need in 23 files reviewed.
- Justification statements in 8 files reviewed did not use the accept/reject format and did not state why the placement was appropriate for the student.
- Extended School year was not correctly documented in 9 files reviewed. One was blank, 2 were missing goals, and 6 were missing dates.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
<p>The district will review IEP files to ensure all required content. Including:</p> <ol style="list-style-type: none"> 1. Present levels being skill specific stating the student strengths and needs. Parent input, and how the disability affects involvement in the regular classroom. 2. Goals relate back to the present levels and have condition, performance and criteria. 3. Description of services will be documented in the area of disability. 4. Correct justification statements will be completed for all students. 5. Extended School Year will include all required documentation. <p>Data Collection: Data submitted for General supervision # 1 will be used to verify correction to this issue.</p>	August 2012	School District	

Progress Report:

